



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-25**

September 3, 2003

Peter Paul
81 Dow Highway Rte 236
Eliot, ME 03903

RE: DES Wetlands File #2003-00297 Laconia Rd, Tilton

Dear Mr. Paul

On April 11, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Tilton Tax Map R9 as Lot 48-1 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented

- 1) A wall constructed of concrete blocks measuring 38 feet long had been built further to the east than shown on the approved site plan, and the area behind the wall had been backfilled.
- 2) Approximately 2000 square feet of wetlands were filled. Observation of the soils, plants, a culvert under Rte. 3, and topography provided on the plan indicate that wetlands were present prior to the construction of the wall. In addition, there was seepage actively flowing out from under the stone retaining wall.

During the inspection, we discussed remedial measures that should have been taken to bring the property into compliance. Subsequently, on April 23, 2003, DES issued a letter requesting that you:

- 1) Immediately install siltation controls at the toe of the slope.
- 2) Remove fill in jurisdiction on the north side of the newly built retaining wall.
- 3) By July 31, 2003, remove the retaining wall, restore site to original grade back to what is depicted on the site plan. Replace hydric soils if hydric soils have been removed.
- 4) Have the wetlands delineated by a certified wetland scientist and provide a plan depicting the wetlands to the Wetlands Bureau by August 31, 2003.

Subsequent inspections revealed that compliance had been met with items 1 and 2. However, a recent inspection, on August 27, 2003, revealed that the retaining wall is still in place, and DES has not received a delineation of the wetlands.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring the wetlands on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

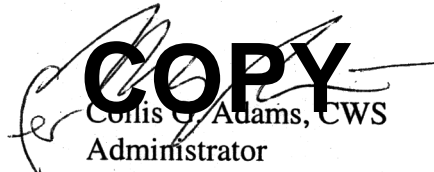
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0909

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Tilton Conservation Commission
Tilton Board of Selectmen
David Killoy, USACOE